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NEWS RELEASE #020

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinion handed down on the 1st day of April, 2011, is as follows:

BY CLARK, J.:

2009-C -0571 J. ROBERT WOOLEY, AS COMMISSIONER OF INSURANCE FOR THE STATE OF
C/W LOUISIANA v. THOMAS S. LUCKSINGER, MICHAEL D. NADLER, STEPHEN J.
2009-C -0584 NAZARENUS, SCOTT WESTBROOK, MICHAEL K. JHIN, WILLIAM F. GALTNEY,
C/W JOHN P. MUDD, EXECUTIVE RISK INDEMNITY, INC., EXECUTIVE RISK
2009-C -0585 MANAGEMENT ASSOCIATES, EXECUTIVE RISK SPECIALTY INSURANCE CO.,
C/W EXECUTIVE LIABILITY UNDERWRITERS AND GREENWICH INSURANCE CO.,
2009-C -0586 AMCARECO, INC., AMCARE MANAGEMENT, INC. C/W J. ROBERT WOOLEY,
COMMISSIONER OF INSURANCE FOR THE STATE OF LOUISIANA, IN HIS
CAPACITY AS LIQUIDATOR OF AMCARE HEALTH PLANS OF LOUISIANA v.
FOUNDATION HEALTH CORPORATION, FOUNDATION HEALTH SYSTEMS, INC.,
HEALTH NET, INC. C/W J. ROBERT WOOLEY, COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA, AS LIQUIDATOR FOR AMCARE HEALTH PLANS
OF LOUISIANA, INC., IN RECEIVERSHIP v. PRICEWATERHOUSECOOPERS,
LLP (Parish of E. Baton Rouge)

Retired Judge Robert J. Lohrano, assigned as Justice ad hoc,
sitting for Chief Justice Catherine D. Kimball.

For the foregoing reasons, we rule, as follows:

1. The court of appeal's ruling on the contract claim of the Louisiana Receiver regarding the parental guarantee is affirmed;
2. The court of appeal's ruling on liability for the tort claims of the Louisiana and Oklahoma Receivers is reversed and the district court's judgment on the liability for the tort claims of the Louisiana and Oklahoma Receivers is reinstated;
3. The court of appeal's ruling on liability for the tort claims of the Texas Receiver is reversed and the jury's verdict on the liability for the tort claims of the Texas Receiver is reinstated;
4. The amount of compensatory damages awarded to the Louisiana and Oklahoma Receivers by the district court is reinstated;
5. The amount of compensatory damages awarded to the Texas Receiver by the jury is reinstated;
6. The amount of punitive damages awarded to the Texas Receiver by the jury is reinstated;
7. The district court's ruling on attorneys fees and punitive damages for the Louisiana and Oklahoma Receivers is affirmed;
8. The district court's ruling on the motion for JNOV is affirmed in part and reversed in part; and
9. The district court's ruling on the allocation of costs is reinstated and remanded to the district court for a determination of quantum.

AFFIRMED IN PART, REVERSED IN PART AND REMANDED IN PART.

WEIMER, J., additionally concurs and assigns reasons.